

## Additional Code Text Amendments

### I. Section 27-97 Dunwoody Village Overlay

- (d) Design review. No ~~land-disturbance permit,~~ building permit ~~or sign permit~~ may be issued for buildings ~~or construction activities~~ that are subject to one or more of the overlay district regulations of this section until the building design has been reviewed through the process prescribed in ~~of~~ article V, division 4, ~~has been completed.~~

### II. Sec. 27-147. - Residential infill.

Applicability: The residential infill regulations of this subsection apply to the construction and reconstruction of detached houses and the subdivision of land zoned single family:

~~Where the subdivision of vacant land or the resubdivision of existing lots has been approved by the city and significantly modifies the area; whether by creating multiple new lots or lot/block configurations, and/or new streets, and the nature of these improvements predominately alters the aesthetic or structural character of the neighborhood thereby inhibiting the direct application of these infill regulations, the community development director may determine their applicability to the permit request. In such cases the owners of property adjacent to the subject site(s) will be notified of and may appeal the decision per article V of this chapter.~~

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- (4) If existing ~~land is lots are~~ proposed to be subdivided, the reference parcels for the purposes of determining contextual requirements shall be those immediately adjacent to and outside the parcel or group of parcels comprising ~~for~~ the subject subdivision. Additionally, upon a determination by the community development director parcels with the following characteristics shall not be used in calculating contextual street setbacks or lot characteristics. Where practical —the next immediate adjacent parcel meeting the requirements for use as a reference parcel, if any, shall be used for subject calculations:

- a. Unbuildable lots;
- b. ~~Lots subdivided within six months of the subject subdivisions—taken from the date of final approval or recordation—whichever is most recent;~~
- c. Substandard, irregular, or nonconforming lots;
- d. Un-subdivided property, or meets and bounds lots, which are uncharacteristic of the area and/or significantly exceed one or more of the minimum lot regulations for the zoning district, and/or are large raw undeveloped property which are expected to be the subject of a future subdivision request.

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- (6) Exceptions. Exceptions to the requirements of this Section 27-147, Residential Infill, may be requested through the Special Exception process as outlined in Section 27-416. In addition to the review criteria of Section 27-421(b) the Zoning Board of Appeals shall also determine that the proposed exception will not be detrimental to or adversely impact adjacent property.

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(7) Determination: The community development director is authorized to determine whether the provisions of the contextual regulations for lot size, width, frontage and setbacks apply to the construction of a single family home on a lot, whether the lot(s) is part of a proposed subdivision or one that was previously recorded. In this capacity, the director may determine whether a proposed subdivision of land is subject to the same regulations. Findings used in this determination shall include, but not be limited to, the following:

Whether the lot(s):

1. is significantly different in character and/or contrary to the prevailing orientation of lots outside of the subdivision, (within the immediate surrounding or adjacent area), or
2. creates multiple new lots or lot/block configurations which create a different context, or
3. creates new streets and alignments of lots, or
4. alters other characteristics of the property

such that the lot(s) represent a different context, are altered visually or physically from the characteristics of the adjacent/previous neighborhood and such conditions render the application of the contextual regulations for lot size, width, frontage, and setback impractical, unreasonable, or unwarranted.

The owners of property adjacent to the subject lot(s) will be notified of and may appeal the decision of the community development director per article V of this chapter.

### III. Sec. 27-392. - Prohibited variances.

The variance procedures of this zoning ordinance may not be used to:

- (1) Allow a structure or use not authorized in the subject zoning district or a residential density of development that is not authorized within the subject district;
- (2) Allow an increase in maximum building height;
- (3) Waive, vary, modify or otherwise override a site plan or condition of approval attached to an amendment, special land use permit or other development approval under this zoning ordinance;
- (4) Reduce, waive or modify in any manner the minimum lot area established for any use permitted by special land use permit or by special exception;
- (5) Permit the expansion or enlargement of any nonconforming use;
- (6) Permit the reestablishment of any nonconforming use that has been abandoned or lost its nonconforming rights; or
- (7) Vary the home occupation regulations.

~~(8) Allow a decrease in the minimum lot area, frontage, depth, shape, and buildable area, including those regulated by contextual lot characteristics.~~

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### IV. Sec. 27-168. - Home occupations. (Option 1 – Remove Type B home occupations)

(a) *Purpose.* The home occupation regulations of this section are intended to allow Dunwoody residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

(b) ~~Type A and Type B h~~Home occupations. ~~Two types of h~~Home occupations are defined and regulated under this section. ~~:- Type A and Type B.~~

- (1) ~~Type A h~~Home occupations. ~~Type A home occupations~~ is a home business ~~-are those-~~ in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include ~~telecommuting~~ home offices ~~workers~~, writers, consultants, artists and crafts people.
- (2) ~~Type B home occupations. ~~Type B home occupation are those in which household residents use their home as a place of work and either one non-resident employee or customers come to the site. Typical examples include tutors, teachers, photographers and licensed therapists or counselors.~~~~

Remove other references to Type A and Type B Home Occupations and replace with a single Home Occupation provision. Retain existing provisions for “teaching-related” home occupations in Section 27-68(g)(1), (i.e. music, art lessons, etc.). Additional restrictions governing the operation of teaching-related lessons is recommended.

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### (Option 2 – Retain Type B but apply stricter limitations)

(g) *Use permits and supplemental regulations for Type B home occupations.*

- (1) *Special land use permit approval required.* Type B home occupations are allowed only if reviewed and approved in accordance with the special land use permit procedures of article V, division 3, provided that teaching-related home occupations conducted entirely within the principal dwelling are not subject to the special land use permit procedures, but instead require review and approval in accordance with the administrative permit procedures of article V, division 7.
- (2) *Supplemental regulations.* All Type B home occupations are, at a minimum, subject to the following regulations in addition to the general regulations of subsection (f).
  - a. Customers or clients may visit the site only from ~~89~~8:00 a.m. to ~~87~~8:00 p.m. Monday thru Saturday. No more than two clients or customers may be present at any one time, except that up to three students may be present at one time in a teaching-related home occupation (e.g., tutor or music/dance instructor).
  - b. Resident and customer parking shall be provided within a garage and/or driveway on-site. While conducting the home occupation no resident or customer vehicles shall be parked on the street.
  - c. The home occupation shall not create any noise, noxious smell or odor, vibration or other adverse impact upon adjacent property.

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- d. One nonresident employee is allowed with a Type B home occupation if no customers come to the site at any time. Home occupations that have clients, customers or students coming to the site at any time may not have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
- e. No stock in trade may be displayed or kept for sale on the premises and no on-premises sales may be conducted.

### (Option 3 – Modify language in references)

- (b) *Type A and Type B home occupations.* Two types of home occupations are defined and regulated under this section: Type A and Type B.
  - (1) *Type A home occupations.* Type A home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include ~~telecommuting home~~ offices ~~workers~~, writers, consultants, artists and crafts people. A Type A home occupation that allows or expects on-site customer contact shall be considered a Type B home occupation.
  - (2) *Type B home occupations.* Type B home occupation are those in which household residents use their home as a place of work and either one non-resident employee or customers come to the site. Typical examples include tutors, teachers, consultants, photographers ~~and licensed therapists or counselors~~. and similar uses.
- (d) *Prohibited home occupations.* The following uses are expressly prohibited as home occupations:
  - (1) Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
  - (2) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
  - (3) Equipment or supply rental businesses;
  - (4) Taxi, limo, van or bus services;
  - (5) Tow truck services;
  - (6) Taxidermists;
  - (7) Restaurants;
  - (8) Funeral or interment services;
  - (9) Animal care, grooming or boarding businesses; and
  - (10) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.

FULL CURRENT WORDING OF SECTION 27-168

V. Sec. 27-168. - Home occupations.

- (a) *Purpose*. The home occupation regulations of this section are intended to allow Dunwoody residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.
- (b) *Type A and Type B home occupations*. Two types of home occupations are defined and regulated under this section: Type A and Type B.
  - (1) *Type A home occupations*. Type A home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site. Typical examples include telecommuting office workers, writers, consultants, artists and crafts people.
  - (2) *Type B home occupations*. Type B home occupation are those in which household residents use their home as a place of work and either one non-resident employee or customers come to the site. Typical examples include tutors, teachers, photographers and licensed therapists or counselors.
- (c) *Exemptions*.
  - (1) *Personal care homes*. Personal care homes are not regulated as home occupations and are exempt from the home occupation regulations of this section. Personal care homes are allowed as indicated in the use tables of sections 27-57 and 27-72. Supplemental regulations applicable to some personal care homes can be found in section 27-145.
  - (2) *Day care*. Day care uses are not regulated as home occupations and are exempt from the home occupation regulations of this section. Day care uses are allowed as indicated in the use tables of sections 27-57 and 27-72. Supplemental regulations applicable to some day care uses can be found in section 27-137.
  - (3) *Bed and breakfast*. Bed and breakfasts are not regulated as home occupations and are exempt from the home occupation regulations of this section. Bed and breakfasts are allowed as indicated in the use tables of sections 27-57 and 27-72. Supplemental regulations applicable to bed and breakfasts can be found in section 27-133.
- (d) *Prohibited home occupations*. The following uses are expressly prohibited as home occupations:
  - (1) Any type of assembly, cleaning, maintenance or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators);
  - (2) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
  - (3) Equipment or supply rental businesses;
  - (4) Taxi, limo, van or bus services;
  - (5) Tow truck services;
  - (6) Taxidermists;

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- (7) Restaurants;
  - (8) Funeral or interment services;
  - (9) Animal care, grooming or boarding businesses; and
  - (10) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building.
- (e) *Where allowed.*
- (1) *Type A home occupations.* Type A home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type A home occupations are subject to the general regulations of subsection (f) and all other applicable regulations of this section. More than one Type A home occupation is allowed as an accessory use, but the general regulations of subsection (f) apply to the combined home occupation uses.
  - (2) *Type B Home occupations.* Type B home occupations may be approved as an accessory use to a principal use in the household living use category only as expressly stated in subsection (g). Type B home occupations are subject to the general regulations of subsection (f), the supplemental regulations of subsection (g) and all other applicable regulations of this section. Multiple Type B home occupations are prohibited as an accessory use to a household living use, and a Type A home occupation may not be conducted with a Type B home occupation.
- (f) *General regulations.* All Type A and Type B home occupations are subject to the following general regulations.
- (1) Home occupations must be accessory and secondary to the use of a dwelling unit for residential purposes. They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts to that are not typical of a residential neighborhood in Dunwoody. Home occupations must be operated so as not to create or cause a nuisance.
  - (2) Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
  - (3) External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.
  - (4) Signs that directly or indirectly, name, advertise, or call attention to a business, product, service or other commercial activity occurring on the subject property are prohibited.
  - (5) Home occupations and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within the dwelling unit.
  - (6) The area devoted to the conduct of all home occupations present on the property is limited to 25 percent of the dwelling unit's floor area or 500 square feet, whichever is less.
  - (7) No window display or other public display of any material or merchandise is allowed.
  - (8) The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Section 171.8.

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- (9) Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a home occupation. No other types of vehicles may be parked or stored on the premises.
- (10) The provisions of subsection (9) (above) are not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, Fed Ex, et al.) of the type typically used in residential neighborhoods.
- (g) *Use permits and supplemental regulations for Type B home occupations.*
  - (1) *Special land use permit approval required.* Type B home occupations are allowed only if reviewed and approved in accordance with the special land use permit procedures of article V, division 3, provided that teaching-related home occupations conducted entirely within the principal dwelling are not subject to the special land use permit procedures, but instead require review and approval in accordance with the administrative permit procedures of article V, division 7.
  - (2) *Supplemental regulations.* All Type B home occupations are, at a minimum, subject to the following regulations in addition to the general regulations of subsection (f).
    - a. Customers or clients may visit the site only from 8:00 a.m. to 8:00 p.m. No more than two clients or customers may be present at any one time, except that up to three students may be present at one time in a teaching-related home occupation (e.g., tutor or music/dance instructor).
    - b. One nonresident employee is allowed with a Type B home occupation if no customers come to the site at any time. Home occupations that have clients, customers or students coming to the site at any time may not have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
    - c. No stock in trade may be displayed or kept for sale on the premises and no on-premises sales may be conducted.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-10.30), 10-14-2013)